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| 09/940,193 | 08/27/2001 | Mark Harmon | 10012513-1 | 4918 |

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EXAMINER

ZHEN, WEI Y

| ART UNIT | PAPER NUMBER |
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2122

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,193

Applicant(s)

HARMON, MARK

Examiner

Wei Y Zhen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. This Office Action is in response to the amendment filed on 8/17/2004.
2. Claims 10-11, 17 and 20 remain finally rejected under 35 U.S.C. 112, second paragraph.
3. Claims 1-20 are finally rejected under 35 U.S.C. 102(b) as being anticipated by "Smart Internet Usage: Installation and Configuration Guide" (SMU), Art of record.
4. Claims 1-20 are pending.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-11, 17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantial" in claims 10, 17 and 20 is a relative term which renders the claim indefinite. The term "substantial" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree.

The term "in proximity" in claim 11 is a relative term which renders the claim indefinite. The term "in proximity" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

With regard to the interpretation of these claims, the examiner is interpreting them as if without these terms.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by “Smart Internet Usage: Installation and Configuration Guide” (SIU), Art of record.

As per claim 1, SIU discloses

a software object creation process providing guidance to a user with respect to creation of a software object by said software object creation process (pp. 15-16, “4.1: using the collector creation wizard”);

and an information communication link to a software object editor, said link providing information with respect to said software object created by said software object creation process to facilitate operation of said software object editor with respect to said software object (pp. 16-17, “4.1.1: Contact configuration server and select collector” and pp. 51-52, “8.1.2 How IOR files enable communication between SIU components”).

As per claim 2, SIU discloses

wherein said software object creation process comprises a software wizard (pp. 15-16, “4.1: using the collector creation wizard”).

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As per claim 3, SIU discloses

wherein said software object comprises a data collector (p. 17, “4.1.2: “Collector Type” and p. 34, “5.2: “instantiating a collector”).

As per claim 4, SIU discloses

wherein said software object comprises a plurality of selectable attributes for which said software object creation process facilitates selection of by said user (pp. 35-36, “5.3: Configuring a collector”).

As per claim 5, SIU discloses

wherein said selectable attributes are configurable by said software object editor (pp. 35-36, “5.3: Configuring a collector”).

As per claim 6, SIU discloses

wherein said selectable attributes must be configured by said software object editor prior to proper operation of said software object (p. 36, “5.4: Running collectors in the background”).

As per claim 7, SIU discloses

a software object configuration option process providing said user with information with respect to configuration of said software object (pp. 29-30, “4.2: Using the configuration and Admin GUI”).

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As per claim 8, SIU discloses

wherein said software object configuration option provides selectable activation of said information communication link (pp. 16-17, “4.1.1: Contact configuration server and select collector” and pp. 51-52, “8.1.2 How IOR files enable communication between SIU components”).

As per claim 9, SIU discloses

wherein said software object configuration option process further provides selectable repeating of said software object creation process (pp. 16-17, “4.1.1. contact configuration server and select collector”).

As per claim 10, SIU discloses

wherein said information communication link is established after completion of said software object creation process (pp. 50-52, “8.1.1. Managing the various forms of the config store and 8.1.2. How IOR files enable communication between SIU components”).

As per claim 11, SIU discloses

wherein said information communication link is established in proximity to selection of a software object attribute for which said software object editor provides configuration editing (pp. 50-52, “8.1.1. Managing the various forms of the config store and 8.1.2. How IOR files enable communication between SIU components”).

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As per claim 12, SIU discloses providing guidance to a user with respect to selection of attributes of a software object (pp. 15-16, “4.1: using the collector creation wizard”);

providing information to said user with respect to configuring selected ones of said attributes of said software object through use of a user interface tool providing said guidance to said user (pp. 15-16, “4.1: using the collector creation wizard”);

providing information with respect to said software object to a software object editor to facilitate operation of said software object editor for configuring said selected ones of said attributes of said software object (pp. 16-17, “4.1.1: Contact configuration server and select collector” and pp. 51-52, “8.1.2 How IOR files enable communication between SIU components”).

Claim 13 is rejected for the reason set forth in the rejection of claim 4.

Claim 14 is rejected for the reason set forth in the rejection of claim 3.

Claim 15 is rejected for the reason set forth in the rejection of claim 6.

Claim 16 is rejected for the reason set forth in the rejection of claim 8.

Claim 17 is rejected for the reason set forth in the rejection of claim 10.

Claim 18 is rejected for the reason set forth in the rejection of claim 11.

Claim 19 is rejected for the reason set forth in the rejection of claim 9.

Claim 20 is rejected for the reason set forth in the rejection of claims 1-11.

Response to Arguments

7. Applicant's arguments filed 8/17/2004 have been fully considered but they are not persuasive.

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Applicant's argument

1) The rejections to claims 10-11, 17 and 20 under 35 USC 112, second paragraph are improper because the terms "substantial" and "in proximity" are clear in view of the specification on p. 12, last paragraph and p. 15, second paragraph.

Examiner's response

1) Examiner disagrees with applicant's assertion that the terms "substantial" and "in proximity" are clear in view of the specification on p. 12, last paragraph and p. 15, second paragraph. The last paragraph of p. 12 and second paragraph of p. 15 does not provide a clear definition of the term "substantial" and "in proximity" as recited in the claims. Therefore, the rejections is maintained.

Applicant's argument

2) SIU does not teach "an information communication link to a software object editor, said link providing information with respect to said software object created by said software object creation process".

Examiner's response

2) SIU clearly disclose an information communication link to a software object editor, said link providing information with respect to said software object created by said software object creation process(pp. 16-17, "4.1.1: Contact configuration server and select collector", note that the wizard (the software object editor) must be able to contact (*communicate*) the SIU configuration server in order to read the component configuration from it and to store the new

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collector configuration on it. and pp. 51-52, "8.1.2 How IOR files enable communication between SIU components").

Applicant's argument

3) SIU does not teach "providing information to said user with respect to configuring selected ones of said attributes of said software object through use of a user interface tool providing said guidance to said user." as recited in claim 12.

Examiner's response

3) SIU clearly discloses "providing information to said user with respect to configuring selected ones of said attributes of said software object through use of a user interface tool providing said guidance to said user" (pp. 15-16, "4.1: using the collector creation wizard").

Applicant's argument

4) Claim 20 contains limitations not found in claims 1-11, such as, for example, "a data collector configuration option process operable after completion of said data collector creation process." The rejection does not address, at least, the above limitation.

Examiner's response

4) SIU clearly disclose the above limitations, note that the data collector configuration option process includes a user selectable option to establish a communication link with editor process. This limitation is taught by SIU (See rejection of claim 4 wherein said software object comprises a plurality of selectable attributes for which said software object creation process

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facilitates selection of by said user (pp. 35-36, “5.3: Configuring a collector”), note that the data collector configuration option is inherently operable for the user selection).

Applicant’s argument

5) SIU does not teach “said data collector configuration option process also includes a user selectable option to repeat operation of said data collector creation process” in claim 20.

5) SIU clearly disclose “data collector configuration option process also includes a user selectable option to repeat operation of said data collector creation process” (see rejection to claim 9 above or pp. 16-17, “4.1.1. contact configuration server and select collector”, the “previous” option).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

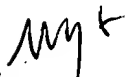
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (571) 272-3708. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wei Zhen
Primary Examiner
12/9/2004


**WEI Y ZHEN
PRIMARY EXAMINER**